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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,570	03/04/2005	Michael Roreger	512100-2045	8017

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Frommer Lawrence & Haug  
745 Fifth Avenue  
New York, NY 10151

EXAMINER
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ASDJODI, MOHAMMAD REZA

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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07/02/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,570	<b>Applicant(s)</b> ROREGER ET AL.	
	<b>Examiner</b> M. REZA ASDJODI	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

Claims 1-4, 6-10, 13-17, 19-20, 22-25, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson, Jr. et al. (US 4,328,131) in view of Hensley (US 2004/0029762 A1).

Regarding claims 1-4, 13-14, 17, 22-25, 28, and 30, Carson et al. teach an elastic soap comprising: polyvinyl alcohol (PVA); [7: 20], anionic surfactants such as sodium lauryl sulfate; [2: 48-49, 3: 24-26], bubbles by the sizes of 1micron to 1mm; [11: 39], and optional skin benefit ingredients such as fragrant, emollients; [13: 18-2], wherein the soap is contacted with the body and water for cleaning, while dissolving in water; [9: 45-60].

With respect to claims 1, 13, 17, and 28, Carson et al. do not teach the thickness of the soap being in the range of instant claims. However, Hensley teaches a sheet soap which is made for a single use, that can be made in any form, size, and cut with the thickness of about 2mm; [0036, 0041-0042]. Hensley and Carson et al. are analogous art because they are from the same field of endeavour that of personal cleaning soap compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize Cason's soap for Hensley's delivery system (single use

sheets) with the motivation of providing single use soap application, as evidenced by Hensley.

With respect to claims 1, and 19, and the claimed dissolution time of less than 15, or 5 seconds, it should be noted that this time duration is directly a function of few variables such as the thickness of the soap, water temperature, and adjustment in the concentrations of soaps ingredients (which are all water soluble). Therefore achieving this claimed time is an implicit, property of the soap's dimensions and make up. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the dissolution determining factors for the bubble soap to achieve the desired time scale through routine experimentation for best results. As to optimization results, a patent will not be granted based upon the optimization of result effective variables when the optimization is obtained through routine experimentation unless there is a showing of unexpected results which properly rebuts the prima facie case of obviousness. See *In re Boesch*, 617 F.2d 272,276,205 USPQ 215,219 (CCPA 1980). See also *In re Woodruff* 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936-37 (Fed. Cir).

Regarding claims 6-9, 15, and 30, Carson et al. teach their soap comprising: a good foaming efficacy; [1: 16, 3: 32], and surfactants such as anionic one; [2: 48-49, 3: 24-26], wherein the density of soap is 0.8gr/cc; [11: 41-42], and the amount of air, or gas for bubbles, is variable, such as about 30%; [11: 33].

Regarding claims 10, 16, and "20", Carson et al. do not explicitly indicate the time of soap dissolution, and its expandability. The Office realizes that all the claimed

effects or physical properties, such as expandability, and dissolution time characteristics are not positively stated by the reference (or: References). However, the reference teaches all of the claimed ingredients in the claimed amount. Therefore, the claimed effects and physical properties (i.e. dissolution time) would implicitly be achieved by a composition with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be presented to support applicant's position; and (2) it would be the Office's position that the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties and effects with only the claimed ingredients. For the claimed time dissolution time please see also claims 1, and 19 above.

Claims 5, 26, 27, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson, Jr. et al. (US 4,328,131), Hensley (US 2004/0029762 A1), as applied to claim 1, and further in view of Abbas et al. (US 6,555,509), as evidenced by Roth et al. (Journal of Applied Polymer Science, Vol. 9, pp; 1083-1087 (1965)).

Regarding claims 5, 26, 27, 29, and 31, Carson et al. teach the basic soap composition as set forth for claim 1 above.

Carson et al. do not teach using hydrolyzed PVA, sodium laureth sulfate, vitamin E, and aloe in their composition. However, Abbas et al. teach a soap composition comprising sodium laureth sulfate, and hydrolyzed PVA, vitamin E, and aloe vera; [6: 10-26, 14: table 1, 10: 62, 11: 2]. At the time of invention it would have been obvious

to a person of ordinary skill in the art to utilize the laureth sulfate, and hydrolyzed PVA (Note: PVA with varying degrees of hydrolyzation are well known facts in the art for many years. See: Roth et al. page 4: discussion) with the motivation of enhancing cleaning efficacy and structural integrity of the soap (i.e. binding) correspondingly.

Claims 11, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carson, Jr. et al. (US 4,328,131), Hensley (US 2004/0029762 A1), as applied to claim 1, and further in view of Schulerud (US 2,525,081).

Regarding claims 11, 12, and 21, Carson et al. teach the basic soap composition as set forth for claim 1 above. Carson, also, teaches the mixing of the ingredients including PVA, cooling, and evaporation of the soap ingredients; [3: 1-14, 2: 54-55].

Carson does not teach placing these surfactants on a sheet. However, Hensley teaches a sheet soap which is made for a single use, that can be made in any form, size, and cut with the thickness of about 2mm; [0036, 0041-0042].

Carson et al. do not teach drying process inside a heating tunnel. However, Schulerud teaches a method of soap preparation wherein the soap material is transported into a drying tunnel and its water is reduced to about 10%; [2: 54-55, 3: 1-4]. At the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize drying method of Schulerud, in Carson's method, with the motivation of optimizing the water content of the soap (e.g. 10%) as evidenced by both Schulerud and Carson et al.

***Response to Arguments***

Applicant's arguments filed 06/07/10 have been fully considered but they are not persuasive. Because:

A- In response to applicant's argument (page 8) that: “rejections of claims 1-4, 13-14, 17, 22-25, 28, and 30 are unobvious because Carson does not teach a soap which is water soluble”: it is noted that the facts of Carson are to the contrary. Carson teaches that theirs soap creates bubble. This is a direct result of a dissolution process of soap, chemically.

B- In response to applicant's argument (page 9) that: “behavior of gelatin in water and its insolubility in cold water.....”: it should be noted that; I)- applicant’s claim language is a comprising one, and therefore presence of any other unclaimed ingredient is permissible. II)- If the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., presence or absence of gelatin) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

C- In response to applicant's argument (page 9-10) that: “reference(s) fail to teach the thickness of the soap not exceeding 5mm, and the dissolution time”: applicant is recommended to see the Hensley’s teaching, and the corresponding rational of rejection as is indicated at the above action.

D- In response to applicant's argument (page 11) that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

E- In response to applicant's argument (page 11) that: “there is no disclosure of water soluble film containing air bubbles”: it is noted that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The prior arts, in combination, have rendered the instant claims obvious. Sheet soaps (film) and bubbles soaps are well known in the art (see also: Shimada et al. US 7,037,885 B2).

F- In response to applicant's argument (page 11) that: “Roth is not teaching water soluble film containing air bubble”: it should be noted that the very reason for combination of Roth was, and is, the hydrolyzed PVA and not the bubbles. Bubbles are already taught by Carson. Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).



### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton I. Cano/  
Supervisory Patent Examiner, Art Unit 1796

/M. R. A./  
Examiner, Art Unit 1796  
06/25/10